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6 **UNITED STATES BANKRUPTCY COURT**
7 **SOUTHERN DISTRICT OF NEW YORK**

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9 In re:

10 RESIDENTIAL CAPITAL, LLC, et al.,

11 **Debtors.**

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)
)
) Case No.: 12-12020 (MG)

) Chapter 11

)
) Jointly Administered

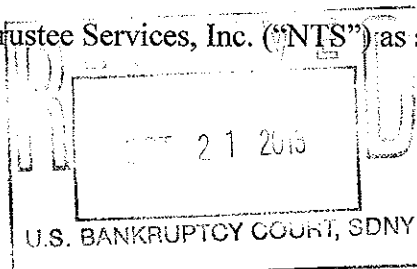
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13 **RESPONSE TO DEBTOR'S FORTY-NINTH OMNIBUS OBJECTION TO CLAIMS**

14 Claimant's Name: Deborah L. Wetzel, 27348 McLemore Cir. Harvest, AL 35749
15 Claim No.: 2239

16 Basis for Amount of Claim: Fraudulent Foreclosure
Property Address: 118 E St. SW, Auburn, WA 98001

17 CLAIMANT, Deborah L. Wetzel ("Claimant") submits this Response to the
18 Debtor's Forty-Ninth Omnibus Objection to Claims ("Response") for the following reasons.

19
20 GMAC Mortgage, LLC, a subsidiary of Residential Capital, LLC ("Debtor") sold
21 Claimant's deed of trust and note to Federal Home Loan Mortgage Corp. ("Freddie Mac") in
22 2007. In August 2011 Mortgage Electronic Registration Systems, Inc. ("MERS") assigned
23 its interest in Claimant's deed of trust and note to Debtor). MERS has never had an interest
24 in Claimant's deed of trust and note and therefore has no authority to assign interest therein.
25 In August 2011 Debtor appointed Northwest Trustee Services, Inc. ("NTS") as successor



1 trustee and fraudulently commenced foreclosure proceedings on Claimant deed of trust and
2 note. MERS is a “non-existent” entity and has no fiduciary interest in Claimant’s deed of
3 trust and note, but is merely a “clearing house” for document recording. Debtor foreclosed
4 on Claimant’s deed of trust and note in December, 2012 and Freddie Mac took possession of
5 the property secured by Claimant’s deed of trust and note. Debtor failed to obtain an
6 assignment of the Deed of Trust from Freddie Mac prior to commencing foreclosure
7 proceedings.
8

9 Debtor’s reason for disallowance of Claimant’s claim states, “Liability Not Reflected
10 in Debtors’ Books and Records.” This is only further evidence of Debtor’s fraudulent
11 foreclosure on Claimant’s deed of trust and note. As Claimant has shown through
12 documentation evidencing this claim previously submitted, Debtor sold Claimant’s deed of
13 trust and note to Freddie Mac in 2007. Accordingly, at the time Debtor filed for Chapter 11,
14 Debtor did not have a fiduciary interest in Claimant’s deed of trust and note. Despite this
15 evidence, Debtor commenced foreclosure proceedings against Claimant’s deed of trust and
16 note, without the deed of trust and note being re-assigned to Debtor.
17

18 Claimant requests the Court deny Debtor’s Proposed Disallowance of Claimant’s
19 claim and requests the Court to allow Claimant’s Claim against GMAC Mortgage, LLC in
20 the secured amount of \$205,000 and the general unsecured amount of \$50,000.

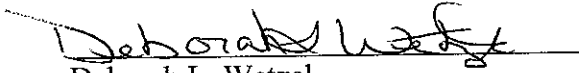
21 This Response is based on the State and Federal laws governing deeds of trust,
22 mortgages, contract law, tort, fraud, unfair and deceptive business practices, and may be
23 supplemented as deemed necessary.

24 Claimant previously submitted documentation with the Proof of Claim evidencing
25 this claim.

1 Any replies to this Response should be directed to Claimant at the following address:

2 Deborah L. Wetzel
27348 McLemore Cir.
3 Harvest, AL 35749
4 Email: debbieleewetzel@gmail.com
(256)444-1514

5 RESPECTFULLY SUBMITTED this 16th day of October, 2013.

6 
7 Deborah L. Wetzel,
8 Claimant, *Pro Se*
27348 McLemore Cir.
9 Harvest, AL 35749
(256) 444-1514
10 Email: debbieleewetzel@gmail.com

11 CERTIFICATION OF MAILING

12 I certify and declare under penalty of perjury under the laws of the States of Alabama
13 and that on October 16, 2013 I caused a copy of this document to be deposited for
14 certified mailing, return receipt requested to the following:

15 The Honorable Martin Glenn
Courtroom 501
16 One Bowling Green
New York, NY 10004

Attn: Kenneth H. Eckstein, Esq.
Douglas H. Mannal, Esq.
Kramer Levin Naftalis & Frankel LLP
1117 Avenue of the Americas
New York, NY 10036

18 Attn: Gary S. Lee, Esq.
Norman S. Rosenbaum, Esq.
19 Jordan A. Wishnew, Esq.
Morrison & Foerster, LLP
20 1290 Avenue of the Americas
New York, NY 10104

Tracy Hope Davis, Esq.
Linda A. Riffkin, Esq.
Brian S. Masumoto, Esq.
Office of the United States Trustee for
the Southern District of New York
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014

22 Attn: Ronald J. Friedman, Esq.
Silverman Acampora LLP
23 100 Jericho Quadrangle, Suite 300
Jericho, NY 11753

24 Signed in Harvest, AL this 16th day of October, 2013.

25 
Deborah L. Wetzel